

Profile of CCB Offenders Released from Prison-Through June 30, 2011

The Washington Indeterminate Sentence Review Board (ISRB or Board) has jurisdiction over certain serious sex offenders with offense dates after August 31, 2001. These offenders have what is known as Determinate-Plus sentences. They are referred to as community custody – Board (CCB) offenders. The Board makes decisions about releasing such offenders from prison. Once these offenders are on supervision in the community, the ISRB takes action if they break rules of supervision. The Board considers the facts of the violations and responds in a fitting manner. In serious cases, offenders may have their community custody revoked and be returned to prison.

Through June 30, 2011, there have been 386 individual CCB offenders who have made 397 releases from prison. Table 1 shows gender, race, and Hispanic origin information for the 386 offenders associated with these releases. Their offender characteristics are shown with the statutory maximum sentence imposed by the sentencing court.

TABLE 1				
OFFENDER CHARACTERISTICS				
STATUTORY MAX	N- MALE	N-FEMALE	% NON-WHITE	% HISPANIC
5 YR	32		15.6	3.1
10 YR	21		38.1	19.0
20 YR	1		0	100
LIFE	329	3	18.7	25.6

The information displayed in Table 2 and Table 3 gives an indication of the types of releases the ISRB keeps track of. There are a number of reasons for reporting on different types of releases. In the case of the data presented in these two tables help point out differences of length of stay that are observed.

Table 2 is data for the first release from prison for the 336 CCB offenders. There are three types of release displayed:

- Release to Community Custody
- Release to the Federal Immigration and Custody Enforcement (ICE)
- Max-Out of Prison

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One can see that all of the offenders who maxed out of prison from their initial sentence served 5 year statutory maximum sentences. Although the average minimum term set by the court was 37.3 months, the Board found them “not releasable.” Their average confinement time was within two month of the 60 months expected for 5 year sentences. On the other hand, offenders released to the custody of Immigration and Customs Enforcement (ICE) present a different picture. The average confinement for Release to ICE is shorter than the average minimum term set by the court. This is consistent with the Board being more likely to find them releasable without adding time.

TABLE 2				
FIRST RELEASE BY TYPE OF RELEASE				
STATUTORY MAX	RELEASE TO COMMUNITY CUSTODY	RELEASE TO ICE	MAX OUT	TOTAL
5 YR	14	0	18	32
10 YR	17	4	0	21
20 YR	0	1	0	1
LIFE	242	90	0	332
(Percent with Life)	(90.1)	(96.4)	0	(86.0)
TOTAL	273	95	18	386
Average Minimum Term (Months)	56.3	56.1	37.3	55.3
Average Time Confined (Months)	60.4	50.9	58.0	58.0

The information in Table 3 is what is seen for offenders who have been returned to prison after having community custody revoked. In these cases, it is the Board that sets the minimum term. Release decision-making is, nonetheless, the same as for the initial prison term. The minimum terms are shorter here, due to the fact the Board is responding to the violation behavior instead of the initial crime committed by the offender.

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TABLE 3				
RELEASE AFTER REVOCATION BY TYPE OF RELEASE				
STATUTORY MAX	RELEASE TO	RELEASE TO	MAX	TOTAL
	COMMUNITY CUSTODY	ICE	OUT	
5 YR	0	0	2	2
10 YR	1	0	0	1
LIFE	6	2	2	10
TOTAL	7	2	4	13
Average Minimum				
Term (Months)	28.6	30.0	13.2	26.0
Average Time				
Confined (Months)	29.8	33.0	20.9	28.9

Before looking further at CCB releases, it is important to note that there are times when an offender does not leave prison, even though the Board finds the offender releasable or the sentence has maxed out. There are a number of offenders with maxed out 5 year statutory maximum sentences who continue to serve time on another, consecutive sentence. There have also been offenders with Life sentences who have been released to another, consecutive non-CCB sentence. The offenders who remain in prison are not included in this profile.

Crimes by Maximum Sentence Length

Tables in Attachment A give crime-type information about the offenders who have been released from prison. All of these offenders have served a judge-set minimum term and any additional time imposed by the ISRB.

There were 32 offenders who committed crimes that carry a 5 year maximum. It is worth noting that these crimes were a “subsequent sex offense” for the offenders in this group. While the nature of the “instant crime” committed by these offenders appears to be less serious than some others, their history and potential risk are such that the Board had held the majority of them for as long as possible.

Twenty-one of the offenders were given 10 year maximum sentences. Many sentences in the group were *attempts* to commit crimes similar to ones that got Life sentences.

Three hundred- thirty-three of the offenders released so far were given Life, or in one instance a 20 year maximum, sentences. Many of the Life max offenders have been convicted of Child Molestation or Assault with Sexual Motivation.

Violations of Supervision Conditions

When CCB offenders are on community custody supervision, they have “conditions of supervision,” they must abide by. If the supervising community corrections officer believes an offender has broken one of these rules, ISRB is informed. The Board then processes the violation. When found guilty of breaking a rule of supervision, the offender has a violation recorded. It is not unusual for violations to be processed in such a manner that the offender remains on community custody. In cases of serious violation behavior, however, the Board revokes community custody. Through the end of June, 2011, 41 (11 percent) of the 386 released offenders have had at least one sentence revocation.

New Crimes Committed by Released Offenders

There is always great concern about offenders returning to criminal behavior when they are released from prison. In Washington State the generally agreed upon recidivism measure is the conviction for a new offense within three years of release. At this point we are looking only at convictions for new felony offenses, and we will report non-sex offenses separately from sex offenses.

New Felony Offenses – Non-Sex:

Through June 30, 2011, 8 of the 386 released CCB offenders have been convicted for a new non-sex felony. It is important to note that the crime Failure to Register - Sex Offender is not considered a “sex offense,” for the purpose of accounting for new offenses.

NUMBER	CRIME
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	<u>Felony Drug</u>
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2	Drug Possession, time served in jail
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Other Felony Offenses

- 1 Assault 1, Burglary 1, and Unlawful Possession of Firearm, time served in prison.
- 1 Assault 3 and Residential Burglary, time served in jail.
- 1 Hit and Run, Attempting to Elude, Possession of Firearm, time served in prison.

Failure to Register

- 3 Class C Failure to Register, time served in jail

New Sex Offenses:

Through June 30, 2011, 4 of the 386 released CCB offenders have been convicted for a new sex offense. Three of these offenders had maxed out on a 5 year maximum sentence. One of them was on community custody when convicted and was also revoked by the Board.

NUMBER	CRIME
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Crimes Committed by Maxed Out Offenders

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| 1 | Voyeurism. |
| 1 | Indecent Exposure to Person Under 14 (Subsequent Offense) |
| 1 | Indecent Liberties victim is Frail or Vulnerable Adult not married to Perpetrator |

Crimes Committed by Offender on Community Custody

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| 1 | Communication with Minor for Immoral Purposes |
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For information about CCB offenders, visit the Indeterminate Sentence Review Board website: www.srb.wa.gov

ATTACHMENT A
Crimes by Statutory Maximum Sentence

Maximum Sentence **Number of Offenders**
5 Years **32**

TITLE	NUMBER
Rape of a Child 3	10
Child Molestation 3	4
Communication w/Minor, Immoral Purposes	3
Voyeurism	3
Assault 3 w/Sexual Motivation	2
Communication w/Child, Immoral Purposes	2
Posses Depict of Minor in Sex Explicit Conduct	2
Rape 3	2
Attempted Burglary 2 w/Sexual Motivation	1
Communication w/Minor for Immoral Purposes	1
Incest 2	1
Indecent Exposure	1

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Maximum Sentence
10 Years

Number of Offenders
21

TITLE	NUMBER
Child Molestation 2	5
Attempted Assault 2 w/Sexual Motivation	4
Assault 2 w/Sexual Motivation	3
Attempted Child Molestation 1	2
Attempted Kidnapping 1 w/Sexual Motivation	2
Assault of a Child 2 w/Sexual Motivation	1
Attempted Kidnap 1/With Sexual Motivation	1
Attempted Kidnap 2 w/Sexual Motivation	1
Attempted Rape 2	1
Indecent Liberties no Force	1

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Maximum Sentence Number of Offenders
 Life and 20 Years 333

TITLE	NUMBER
Child Molestation 1	146
Assault 2 w/Sexual Motivation	63
Rape of a Child 2	32
Rape 2	19
Rape of a Child 1	16
Attempted Child Molestation 1	12
Indecent Liberties - Force	11
Burglary 1 w/Sexual Motivation	10
Attempted Rape 2	6
Attempted Rape of a Child 2	5
Rape 1	3
Attempted Rape 1	2
Kidnapping 1 w/Sexual Motivation	2
Kidnapping 2 w/Sexual Motivation	2
Attempted Assault 2 w/Sexual Motivation	1
Attempted Indecent Liberties - Force	1
Burglary 2 w/Sexual Motivation	1
Kidnapping 3 w/Sexual Motivation	1